

~~ADMINISTRATIVE INTERNAL USE ONLY~~*Legal 5*

MEMORANDUM FOR: Deputy Director for Policy and Management  
ATTENTION : Chief, Policy and Plans Group  
SUBJECT : Procedures for Reporting Title 18 Violations

1. Pursuant to your request of 17 October 1975 for comments on a proposed letter from the Office of General Counsel to the Department of Justice, we submit the following:

a. The last sentence of the letter states that "the Miranda Right of an attorney" does not seem necessary under the conditions referred to. A 1970 policy paper from the Director of Central Intelligence regarding the conduct of polygraph interviews, apparently supported by a 1975 Office of General Counsel opinion, states that subjects will be informed of their right to consult with an attorney in cases in which there will be a question referring to crimes. Also, the letter states that "we" (CIA) will inform the individual "... that anything he does say can and will be used ... for disciplinary action ... or possible prosecution ...". A 29 March 1975 Office of General Counsel opinion seems to have approved an Office of Security interpretation that "we (OS) would not use language such as 'anything he does say can and will be used against him in court.'" All of this seems somewhat paradoxical. Some clarification of the legal background factors involved is needed.

b. It is felt that if a Central Intelligence Agency employee has allegedly violated Title 18 and is being investigated by the Office of Security, there is a "gray area" of how far we can go with our inquiry before curtailing our investigation. The term total corroboration in Paragraph 1 is not very definitive.

2. Please advise if any additional data are desired.



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Deputy Director for Security (PSI)